



12 JAN 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Philips Medical Systems
Philips Intellectual Property & Standards
P.O. BOX 3008
22100 Bothell Everett Highway
Bothell, WA 98041-3008

In re Application of	:	
JONES et al.	:	
Application No.: 10/599,112	:	
PCT No.: PCT/IB05/50927	:	
Int. Filing: 16 March 2005	:	DECISION ON PETITION
Priority Date: 25 March 2004	:	
Attorney Docket No.: US040138US	:	
For: DEFIBRILLATION ELECTRODE	:	
HAVING DRUG DELIVERY		
CAPABILITY		

This decision is issued in response to applicants' "Request for Reconsideration of Petition (under 37 CFR 1.47(a)) when Inventor Refuses to Sign Declaration" filed 05 December 2006 to accept the application without the signature of joint inventor, Janice L. Jones.

BACKGROUND

On 16 March 2005, applicants filed international application PCT/IB05/50927, which claimed a priority date 25 March 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 06 October 2005. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 25 September 2006.

On 20 September 2006, applicants filed a request for entry into the national stage in the United States, which accompanied by, *inter alia*: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; a preliminary amendment; and a petition under 37 CFR 1.47(a). In a decision dated 12 October 2006, applicants petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 05 December 2006, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

A review of the papers filed 05 December 2006 reveals that petitioner has paid the requisite petition fee, provided sufficient proof that the non-signing inventor (Janice L. Jones) refused to sign, stated the last known address of the non-signing inventor (Janice L. Jones), and provided an acceptable declaration. Accordingly, all of the requirements of items (1), (2), (3), and (4) above have been satisfied.

CONCLUSION

The petition under 37 CFR 1.47(a) is GRANTED.

The application will be given an international filing date of 16 March 2005 under 35 U.S.C. 363, and a date of 20 September 2006 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459